

**Notice of Allowability**

Application No.

09/986,078

Examiner

Michael P. Stafira

Applicant(s)

WORTHINGTON ET AL.

Art Unit

2877

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/3/2005.
2. ☒ The allowed claim(s) is/are 1-9,11,12,14-16 and 18-33.
3. ☒ The drawings filed on 07 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/11/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-9, 11-12, 14-16, 18-33 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The Applicant amended independent claims 1, 7, 11, 19, and 33 according to the "Amendment" filed February 3, 2005, and presented arguments in favor of allowance of the currently listed claims. The Applicant demonstrated to the Examiner's satisfaction that, with respect to the U.S.C. 103 rejection of the independent claims, the primary reference of Margrey et al. in view of Gordon is not applicable to the Applicant's invention.

Regarding claim 1, the prior art fails to disclose or make obvious an interactive testing system for analyzing biological chemical and biochemical samples having the step of a bio-disc including bio-disc authentication information, the bio-disc adapted to receive a sample and a node connected with the network, the node being enabled to interact with the central processing unit and the node configured to evaluate the bio-disc authentication information so as to verify authenticity of the bio-disc, and in combination with the other recited limitations of claim 1. Claims 2-6 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 7, the prior art fails to disclose or make obvious a method for analyzing biological, chemical and biochemical samples having the steps of loading the sample to a bio-disc, obtaining bio-disc authentication information from the bio-disc, transmitting bio-disc authentication information to the server, authenticating the bio-disc information at the server and obtaining a test result from the server, and in combination with the other recited limitations of claim 7. Claims 8-9 are allowed by the virtue of dependency on the allowed claim 7.

Art Unit: 2877

Regarding claim 11, the prior art fails to disclose or make obvious a method for analyzing biological, chemical and biochemical samples having the step of receiving test data from a remote location, the test data being generated from a sample using a bio-disc and processed by a computer at the remote location; obtaining bio-disc authentication information from the remote locations authenticating the bio-disc information, and subsequent to bio-disc authentication, permitting access to the stored test results by authorized users, and in combination with the other recited limitations of claim 11. Claims 12, 14 are allowed by the virtue of dependency on the allowed claim 11.

Regarding claim 15, the prior art fails to disclose or make obvious a method for analyzing biological, chemical and biochemical samples having the step of having the test data generated by processing a sample in a bio-disc with a bio-disc drive; authenticating bio-disc information contained on the bio-disc; and subsequent to bio-disc authentication, permitting access to the stored test results by authorized users, and in combination with the other recited limitations of claim 15. Claims 16, 18 are allowed by the virtue of dependency on the allowed claim 15.

Regarding claim 19, the prior art fails to disclose or make obvious an interactive testing system for testing samples having a bio-disc device including bio-disc authentication information and containing means thereon for analyzing a sample and generating a plurality of test data; a remote device connected to said local device across a network, said plurality of test data being sent from said local device to said remote device across said network, said remote device processing said plurality of test data upon receipt and said remote device configured to evaluate the bio-disc authentication information so as to verify authenticity, and in combination with the

Art Unit: 2877

other recited limitations of claim 19. Claims 20-32 are allowed by the virtue of dependency on the allowed claim 19.

Regarding claim 33, the prior art fails to disclose or make obvious a method for analyzing biological, chemical and biochemical samples having the step of obtaining bio-disc authentication information from the remote location; authenticating the bio-disc information; and subsequent to bio-disc authentication; accessing the test result in the server through a web page, and in combination with the other recited limitations of claim 33.

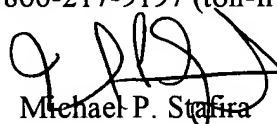
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2877

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Stafira  
Primary Examiner  
Art Unit 2877

April 8, 2005